

Application Serial No. 09/996,977
Amendment dated: November 26, 2003
Reply to Office Action dated August 1, 2003

REMARKS AND ARGUMENT

The FINAL Official Action dated August 1, 2003 has been carefully studied. The Official Action raised several issues. In response, the claims are resubmitted without amendment for reconsideration.

THE FLANGE The major issue raised in the official action is the rejection of the independent claims with Hillstead as the principal reference. Reconsideration is requested. Hillstead describes portion 19 as "an annular groove". The Examiner states that the side wall portions of the groove are "flanges". It is respectfully urged that this reading of well known mechanical terms (i.e. groove and flange) is erroneous. First, the structure of a groove included its side walls. Reading the side walls which are parts of the groove as "flanges" is an impermissible use of the same structural element in two different ways; namely, the groove cannot also be a flange. Secondly, the flange structure of applicant is, in fact completely different from the groove and sealing o-ring of Hillstead.

There are many definitions of "flange". Many of them including all that pertain to mechanical parts from Internet sources are set forth below:

Definitions of **Flange** on the Web:

A raised circular rib around a part. The usual use for this term in bicycle usage is to refer to the part of a hub that the spokes attach to. Most hubs in current production are "small-flange" or "low-flange" designs, where the flange is no taller than it needs to be to provide a suitable place for the

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spoke holes to be drilled. "High-flange" or "large-flange" hubs have a larger flange, usually drilled out for lightness. They transmit torsional forces with less stress to the spokes than small-flange hubs do, but this is not a problem in practice with modern equipment. High-flange hubs can make a wheel with slightly greater lateral strength than equivalent small-flange hubs, because the spokes create a wider bracing angle to the rim. This makes them popular with track sprinters, who create greater-than-normal side loads on their wheels. A less common bicycle use of "flange" is to describe a particular style of axle nut, commonly seen on cheaper bicycles. See track nut.

www.sheldonbrown.org/gloss_e-f.html

Horizontal surface on the face of the tee, visible from below the ceiling. The part of the grid to which the color cap is applied. Most grid system flanges are either 15/16" or 9/16".

www.armstrong.com/commceilingsna/glossary.html

The fundamental element of the wheel-on-rail guidance system. The inner edge of each wheel is shaped to a larger diameter than the wheel tread resting on the rail to act as a guide for the wheel set. The two flanges of the wheels on an axle guide the wheel set to follow the route of the track. A characteristic squealing sound can often be heard on sharp curves as the outer wheels' flanges slice along the inner edges of the rails.

www.lnwrs.org.uk/Glossary/glossaryfa.htm

The back edge of the sole (bottom) of an iron club (usually most associated with the sandwedge) Example: The sandwedge's flange allows the depth of the clubhead's penetration into the sand to be more controlled.

www.pgaprofessional.com/glossary/f.html

That portion of the rubber part of the mold that contains the tabs and runs out to the edge of the mold. Does not include either the specimen impression or the reservoir portions of the mold. Syn. with apron, sill.

www.duke.edu/~mtb3/castingmanual/appendix_a.html

The rim that fastens the access port closure to the reactor tank.

www.grc.nasa.gov/WWW/pbrf/glossary.htm

The projecting edge of a structural member.

www.hancockjoist.com/glossary.htm

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The part of the wheel, which runs below the level of the rail to guide the car or locomotive.

www.az.com/~dcohn/bsme/glossary.html

The base of a club, the part that rests on the ground.

www.golfrelated.com/dictionary/f.html

The projecting edge of a rigid or semi-rigid component, such as a metal edge flashing flange, skylight flange, flashing boot, structural member, etc.

www.bestroofing.com/GLOSSARY.HTM

Overlapping metal portion of a recessed luminaire at the ceiling line. It serves to cover the ceiling opening around the luminaires

www.lightoutlet.com/lo_glossary.htm

The horizontal parts of a rolled I-shaped beam or of a built-up girder extending transversely across the top and bottom of the web

www.dot.state.oh.us/preventivemaintenance/Glossary/f_terms.htm

A rib or rim for strength, for guiding or for attachment to another object. KOHLER faucets service literature usually refers to a decorative flange as an escutcheon.

www.serviceparts.kohler.com/glossF.html

Base or seam area of a mold. Area that extends from the base of a model when making rubber molds to keep the rubber intact while casting. Usually extends three inches from the base of the piece.

www.svsu.edu/mfsm/educational/glosstrmhs.html T

the bottom of an iron club (usually most associated with the sandwedge).

Example: The sandwedge's flange allows the depth of the clubhead's penetration into the sand to be more controlled.

www.thegolfexpert.com/lingo-f.asp

The flat edge of a housing that is used to mount against the door/panel.

www.trimarkhardware.com/goweb/corporate/glossary.jsp

a projection used for strength or for attaching to another object

www.cogsci.princeton.edu/cgi-bin/webwn

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Attention is also invited to M.P.E.P. § 2111.01 which provides in part:

“PLAIN MEANING” REFERS TO THE MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

When not defined by applicant in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art. >*Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001)(explaining the court’s analytical process for determining the meaning of disputed claim terms); *Toro Co. v. White Consol. Indus., Inc.*, 199 F.3d 1295, 1299, 53 USPQ2d 1065, 1067 (Fed. Cir. 1999)(“[W]ords in patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a word was used with a special meaning.”). See also < *In re Sneed*, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983) (The applicants had argued in an amendment after final rejection that the term “flexible plastic pipe,” as used in the claims, pertained only to pipes of 2-inch diameter and 3-inch diameter and not to a pipe of 1.5 inch diameter. This definition of “flexible” was also advanced in an affidavit. The prior art, however, described 1.5 inch pipe as flexible. The court held that the specification and the evidence (the prior art) failed to support the gloss appellants sought to put on the term “flexible.” Note that applicant had not defined “flexible plastic pipe” in the specification.); *In re Barr*, 444 F.2d 588, 597, 170 USPQ 330, 339 (CCPA 1971) (“The specification in this case attempts no definition of the claim language ‘a phenyl radical.’ Accordingly we must presume that the phrase was used in its commonly accepted technical sense....[Applicants] have not referred us to any standard work on chemistry which indicates that the commonly accepted technical meaning of the words ‘a phenyl radical’, without more, would encompass the hydroxyphenyl radical. On the contrary, Hackh’s [Chemical Dictionary] quite plainly defines ‘phenyl’ as ‘the monovalent radical... derived from benzene... or phenol.’”).

The rejection departs from the usual meaning of the word “flange” by calling the sidewalls of a groove, flanges. In order to form a groove, sidewalls are always required.

Similar logic applies in the rejection of claims 2, 7, and 10-11 on Hillstead and Niedospial in paragraph 4 of the official Action. What purpose would be served or function produced if the shape of the sidewalls of Hillstead’s groove 19 were changed in the manner proposed by the Examiner? Niedospial does not show or suggest the claimed

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configuration. The rejection relies on applicant's teachings of the claimed configuration of the flange. Niedospial teaches a "Multiple Use Universal Connector" for fluid bags as an integral part of the bag with a re-enterable, self-sealing diaphragm so that a pharmaceutical fluid contained in the container can be repeatedly accessed. This invention is designed to be an integral part of the fluid container and contains a diaphragm for use with a needle, cannula or Luer type syringe. There is no provision for tubing connections on the inside of the fluid chamber as it is not a desired feature or intention of the Niedospial invention. This makes it unsuitable to solve the problems described as a hose connector for BioProcess Containers.

Similarly, the rejection of claims 3-4 on Hillstead alone in paragraph 5 of the official action proposes that the groove's sidewalls of Hillstead would be modified in shape. Reliance on *In re Dailey*, 357 F.2d 669 (1966) is misplaced. Before the holding of *Dailey* can be applied, all the elements of the claim must be found in the prior art. The groove in Hillstead is not a flange.

The rejection of the various dependent claims 6 (official action paragraph 7), 13 (official action paragraph 8), and 14-15 (official action paragraph 9) should similarly be withdrawn for the same reasons as discussed above in connection with the parent claims.

The rejection also fails even if the sidewalls of the groove can be read on the claimed flange because the Hillstead reference does not attach the bag to the flange. The bag is

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attached to the bottom surface of the groove with an O-ring.

Reconsideration and favorable action is respectfully requested.

Respectfully submitted,


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CERTIFICATE OF MAILING

I certify that all of these documents are being deposited with the United States Postal Service on Nov-26, 2003 in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: Nov-26-2003


ROBERT M. SKOLNIK